
 **EFILED IN OFFICE**
CLERK OF SUPERIOR COURT
CLAYTON COUNTY, GEORGIA
2023CV01631-10
Shana Rooks Malone
JUN 29, 2023 09:12 AM

Chanay Clemons, Clerk
Clayton County, Georgia

IN THE SUPERIOR COURT OF CLAYTON COUNTY
STATE OF GEORGIA

MARQUIS GEDDIS,

Plaintiff,

v.

HARRY MORRIS, DAILY
EXPRESS, INC., JOHN DOES 1-2,
ABC CORP., AND XYZ CORP.,

Defendants.

EXHIBIT "E"

CIVIL ACTION FILE
NO. 2023CV01631-10

DEFENDANTS' ANSWER TO PLAINTIFF'S COMPLAINT

COME NOW, Daily Express, Inc. (hereinafter "Daily Express") and Harry Morris (hereinafter "Morris"), Defendants in the above-styled action, and file this Answer to Plaintiff's Complaint as follows:

FIRST DEFENSE

The Plaintiff's Complaint fails to state a claim upon which relief can be granted.

SECOND DEFENSE

Defendants specifically reserve the right to plead and prove such other defenses, including but not limited to those allowed by O.C.G.A. §9-11-8 and/or Fed.R.Civ.P. 8, as may become known during the course of this litigation.

THIRD DEFENSE

Defendants show that no act or omission by Defendants caused or contributed to the cause of the accident, and therefore, Plaintiff's Complaint must be dismissed.

FOURTH DEFENSE

In the exercise of ordinary care, Plaintiff could have avoided the alleged injury and damage complained of in the Complaint.

FIFTH DEFENSE

Plaintiff was comparatively negligent in his actions and omissions in and around the time of the alleged injury, and thus, is entitled to no recovery.

SIXTH DEFENSE

If it is shown that Plaintiff's negligence exceeded any negligence that may be proved against Daily Express or Morris, then Plaintiff is entitled to no recovery.

SEVENTH DEFENSE

If it is shown that Plaintiff's negligence was less than any negligence that may be proved against Daily Express or Morris, then Plaintiff's damages should be reduced proportionately.

EIGHTH DEFENSE

In response to the specific paragraphs contained in the Plaintiff's Complaint, and without waiving the defenses previously raised by these Defendants, as well as

those that may be raised in the future, if necessary, Daily Express and Morris state the following:

1.

The allegations contained in paragraph 1 of the Plaintiff's Complaint are admitted.

2.

In response to the allegations contained in paragraph 2 of the Plaintiff's Complaint, Defendants admit that Daily Express is a Pennsylvania corporation with its principal place of business in Carlisle, Pennsylvania. The remainder of the allegations contained in paragraph 2 of the Plaintiff's Complaint are denied in that Daily Express does not own the subject truck.

3.

The allegations contained in paragraph 3 of the Plaintiff's Complaint are admitted.

4.

In response to the allegations contained in paragraph 4 of the Plaintiff's Complaint, Daily Express and Morris show that they have no ability to respond to allegations regarding unknown and unidentified parties, people, or entities. Thus, the allegations contained in paragraph 4 of Plaintiff's Complaint are denied.

5.

In response to the allegations contained in paragraph 5 of the Plaintiff's Complaint, Daily Express and Morris show that they have no ability to respond to allegations regarding unknown and unidentified parties, people, or entities. Thus, the allegations contained in paragraph 5 of Plaintiff's Complaint are denied.

6.

In response to the allegations contained in paragraph 6 of the Plaintiff's Complaint, Daily Express and Morris show that they have no ability to respond to allegations regarding unknown and unidentified parties, people, or entities. Thus, the allegations contained in paragraph 6 of Plaintiff's Complaint are denied.

7.

In response to the allegations contained in paragraph 7 of the Plaintiff's Complaint, Daily Express and Morris admit that the alleged incident occurred as the Daily Express vehicle and the vehicle operated by Geddis were traveling on the I-285 Eastbound ramp to I-75 South. The remainder of the allegations contained in paragraph 7 of Plaintiff's Complaint are denied.

8.

In response to the allegations contained in paragraph 8 of the Plaintiff's Complaint, Daily Express and Morris admit that the alleged incident occurred as the Daily Express vehicle and the vehicle operated by Geddis were traveling on the I-

285 Eastbound ramp to I-75 South. The remainder of the allegations contained in paragraph 8 of Plaintiff's Complaint are denied.

9.

The allegations contained in paragraph 9 of the Plaintiff's Complaint are denied.

10.

The allegations contained in paragraph 10 of the Plaintiff's Complaint are denied.

11.

In response to the allegations contained in paragraph 11 of the Plaintiff's Complaint, Daily Express and Morris admit that all motorists are charged with the obligation to abide by the laws of the State of Georgia and to exercise ordinary care for their own safety and the safety of others. The remainder of the allegations contained in paragraph 11 of the Plaintiff's Complaint are denied.

12.

The allegations contained in paragraph 12 of the Plaintiff's Complaint are denied.

13.

The allegations contained in paragraph 13 of the Plaintiff's Complaint are denied.

14.

The allegations contained in paragraph 14 of the Plaintiff's Complaint are denied.

15.

The allegations contained in paragraph 15 of the Plaintiff's Complaint are denied.

16.

The allegations contained in paragraph 16 of the Plaintiff's Complaint are denied.

17.

In response to the allegations contained in paragraph 17 of the Plaintiff's Complaint, Daily Express and Morris hereby reassert and restate their responses to the allegations contained in paragraphs 1 through 16 as if those responses are set forth herein verbatim.

18.

In response to the allegations contained in paragraph 18 of the Plaintiff's Complaint, Daily Express and Morris admit that on December 17, 2021, Daily Express operated and leased the truck operated by Morris. The remainder of the allegations contained in paragraph 18 of the Plaintiff's Complaint are denied.

19.

The allegations contained in paragraph 19 of the Plaintiff's Complaint are denied.

20.

The allegations contained in paragraph 20 of the Plaintiff's Complaint are denied.

21.

The allegations contained in paragraph 21 of the Plaintiff's Complaint are denied.

22.

The allegations contained in paragraph 22 of the Plaintiff's Complaint are denied.

23.

The allegations contained in paragraph 23 of the Plaintiff's Complaint are denied.

24.

The allegations contained in paragraph 24 of the Plaintiff's Complaint are denied.

25.

The allegations contained in paragraph 25 of the Plaintiff's Complaint are denied.

26.

The allegations contained in paragraph 26 of the Plaintiff's Complaint are denied.

27.

The allegations contained in paragraph 27 of the Plaintiff's Complaint are denied.

28.

The allegations contained in paragraph 28 of the Plaintiff's Complaint are denied.

29.

The allegations contained in paragraph 29 of the Plaintiff's Complaint are denied.

30.

The allegations contained in paragraph 30 of the Plaintiff's Complaint are denied.

31.

All allegations not specifically admitted herein are denied.

WHEREFORE, having fully answered the Plaintiff's Complaint, Defendants Daily Express and Morris hereby respectfully demand judgment in their favor, that all costs be cast against Plaintiff, a trial by a jury as to all issues so triable by law, and such other and further relief that this Honorable Court deems just and proper.

Respectfully submitted this 29th day of June, 2023.

WEBB, ZSCHUNKE, NEARY
& DIKEMAN, LLP

/s/ Marvin D. Dikeman

MARVIN D. DIKEMAN

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CERTIFICATE OF SERVICE


I hereby certify that I have this day electronically filed the within and foregoing pleading with the Clerk of Court using Peachcourt which will automatically send e-mail notification of such filing to the following attorneys of record:

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This 29th day of June, 2023.

/s/ Marvin D. Dikeman
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*Attorney for Defendants Harry
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